

CERTIFICATION OF ENROLLMENT

SUBSTITUTE HOUSE BILL 1464

Chapter 245, Laws of 2017

65th Legislature
2017 Regular Session

COOPERATIVE PUBLIC ACCESS AGREEMENTS--PAYMENTS--OUTDOOR RECREATION
IMMUNITY

EFFECTIVE DATE: 7/23/2017

Passed by the House April 17, 2017
Yeas 94 Nays 4

FRANK CHOPP

Speaker of the House of Representatives

Passed by the Senate April 11, 2017
Yeas 48 Nays 0

CYRUS HABIB

President of the Senate

Approved May 8, 2017 11:15 AM

JAY INSLEE

Governor of the State of Washington

CERTIFICATE

I, Bernard Dean, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **SUBSTITUTE HOUSE BILL 1464** as passed by House of Representatives and the Senate on the dates hereon set forth.

BERNARD DEAN

Chief Clerk

FILED

May 8, 2017

**Secretary of State
State of Washington**

SUBSTITUTE HOUSE BILL 1464

AS AMENDED BY THE SENATE

Passed Legislature - 2017 Regular Session

State of Washington 65th Legislature 2017 Regular Session

By House Judiciary (originally sponsored by Representatives Blake, Orcutt, Chapman, and Tarleton; by request of Department of Fish and Wildlife)

READ FIRST TIME 02/13/17.

1 AN ACT Relating to the development of cooperative agreements to
2 expand recreational access on privately owned lands; and amending RCW
3 4.24.210.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 **Sec. 1.** RCW 4.24.210 and 2012 c 15 s 1 are each amended to read
6 as follows:

7 (1) Except as otherwise provided in subsection (3) or (4) of this
8 section, any public or private landowners, hydroelectric project
9 owners, or others in lawful possession and control of any lands
10 whether designated resource, rural, or urban, or water areas or
11 channels and lands adjacent to such areas or channels, who allow
12 members of the public to use them for the purposes of outdoor
13 recreation, which term includes, but is not limited to, the cutting,
14 gathering, and removing of firewood by private persons for their
15 personal use without purchasing the firewood from the landowner,
16 hunting, fishing, camping, picnicking, swimming, hiking, bicycling,
17 skateboarding or other nonmotorized wheel-based activities, aviation
18 activities including, but not limited to, the operation of airplanes,
19 ultra-light airplanes, hang gliders, parachutes, and paragliders,
20 rock climbing, the riding of horses or other animals, clam digging,
21 pleasure driving of off-road vehicles, snowmobiles, and other

1 vehicles, boating, kayaking, canoeing, rafting, nature study, winter
2 or water sports, viewing or enjoying historical, archaeological,
3 scenic, or scientific sites, without charging a fee of any kind
4 therefor, shall not be liable for unintentional injuries to such
5 users.

6 (2) Except as otherwise provided in subsection (3) or (4) of this
7 section, any public or private landowner or others in lawful
8 possession and control of any lands whether rural or urban, or water
9 areas or channels and lands adjacent to such areas or channels, who
10 offer or allow such land to be used for purposes of a fish or
11 wildlife cooperative project, or allow access to such land for
12 cleanup of litter or other solid waste, shall not be liable for
13 unintentional injuries to any volunteer group or to any other users.

14 (3) Any public or private landowner, or others in lawful
15 possession and control of the land, may charge an administrative fee
16 of up to twenty-five dollars for the cutting, gathering, and removing
17 of firewood from the land.

18 (4)(a) Nothing in this section shall prevent the liability of a
19 landowner or others in lawful possession and control for injuries
20 sustained to users by reason of a known dangerous artificial latent
21 condition for which warning signs have not been conspicuously posted.

22 (i) A fixed anchor used in rock climbing and put in place by
23 someone other than a landowner is not a known dangerous artificial
24 latent condition and a landowner under subsection (1) of this section
25 shall not be liable for unintentional injuries resulting from the
26 condition or use of such an anchor.

27 (ii) Releasing water or flows and making waterways or channels
28 available for kayaking, canoeing, or rafting purposes pursuant to and
29 in substantial compliance with a hydroelectric license issued by the
30 federal energy regulatory commission, and making adjacent lands
31 available for purposes of allowing viewing of such activities, does
32 not create a known dangerous artificial latent condition and
33 hydroelectric project owners under subsection (1) of this section
34 shall not be liable for unintentional injuries to the recreational
35 users and observers resulting from such releases and activities.

36 (b) Nothing in RCW 4.24.200 and this section limits or expands in
37 any way the doctrine of attractive nuisance.

38 (c) Usage by members of the public, volunteer groups, or other
39 users is permissive and does not support any claim of adverse
40 possession.

1 (5) For purposes of this section, the following are not fees:
2 (a) A license or permit issued for statewide use under authority
3 of chapter 79A.05 RCW or Title 77 RCW;
4 (b) A pass or permit issued under RCW 79A.80.020, 79A.80.030, or
5 79A.80.040; (~~and~~)
6 (c) A daily charge not to exceed twenty dollars per person, per
7 day, for access to a publicly owned ORV sports park, as defined in
8 RCW 46.09.310, or other public facility accessed by a highway,
9 street, or nonhighway road for the purposes of off-road vehicle use;
10 and
11 (d) Payments to landowners for public access from state, local,
12 or nonprofit organizations established under department of fish and
13 wildlife cooperative public access agreements if the landowner does
14 not charge a fee to access the land subject to the cooperative
15 agreement.

Passed by the House April 17, 2017.
Passed by the Senate April 11, 2017.
Approved by the Governor May 8, 2017.
Filed in Office of Secretary of State May 8, 2017.

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